

REMARKS

With this Amendment, claims 54 and 73-99 are pending. Claims 1-37 were canceled without prejudice or disclaimer in Applicants' Amendment dated January 10, 2006. Claims 38-53 and 55-72 were canceled without prejudice or disclaimer in Applicants' Response dated April 17, 2008. Claims 54, 77, 78, 79, and 99 have been amended to clarify the claimed subject matter. No new matter has been added by way of the present amendment.

Election/Restriction

Applicants thank the Examiner for acknowledging Applicants' election with traverse of Group III, drawn to a method for treating a disease comprising administering a self tolerance inducing cell, in Applicants' Response dated April 17, 2008. Applicants acknowledge the finality of the restriction requirement and reserve the right to prosecute the non-elected inventions in divisional applications.

The Office alleges that the present application contains claims directed to more than one species of the generic invention, and requires election of a single species from each of the following list:

- a specific type of self-tolerance inducing cell, wherein the cell expresses CD3/CD14, FoxP3, CTLA4, or $\alpha_E\beta_7$ integrin,
- a specific type of disease associated with disturbed self tolerance to be treated, selected from the group consisting of allergy and autoimmune disease.

Applicants elect without traverse the species of CD3/CD14 as recited in Claim 54 for further prosecution. Claims 54, 73-82, and 88-99 are under consideration to the extent that they read on the species of CD3/CD14. Applicants also elect without traverse the species of autoimmune disease, recited in Claim 73 and 74, for further prosecution. Claims 54, 73-74, and 78-99 are under consideration to the extent that they read on the species of autoimmune disease. Applicants reserve the right to consideration of claims to additional species upon the finding of an allowable generic claim.

The Examiner alleges that the species listed above do not relate to a single general inventive concept because they lack the same or corresponding technical features. Office Action at page 3. Specifically, the Examiner alleges that the species of method comprising administering a cell expressing CD3 and CD14 has no special technical feature that defined the contribution over the prior art of U.S. Patent No. 5,766,920. *Id.* Applicants respectfully submit that the Examiner has mistaken the claimed invention and the technical feature described in U.S. Patent No. 5,766,920 to be the same.

CONCLUSION

In view of the above, each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. The Examiner is encouraged to contact the undersigned at (202) 942-5186 should any additional information be necessary for allowance.

Respectfully submitted,

/Kristan L. Lansbery/

David R. Marsh (Reg. No. 41,408)
Kristan L. Lansbery (Reg. No. 53,183)

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ARNOLD & PORTER LLP
555 12th Street, N.W.
Washington, D.C. 20004
(202) 942-5000 telephone
(202) 942-5999 facsimile